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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,716	01/05/2004	Maarten Joost De Mol Van Otterloo	03530.000004.	2259
5514	7590	10/05/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PAIK, STEVE S	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,716

Applicant(s)

DE MOL VAN OTTERLOO,
MAARTEN JOOST

Examiner

Steven S. Paik

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-18, 24-28 and 36-39 is/are allowed.
- 6) ☒ Claim(s) 1, 7, 8, 12, 19, 21, 23 and 29-31 is/are rejected.
- 7) ☒ Claim(s) 2-6, 9-11, 20, 22 and 32-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/28/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in EPO on January 7, 2003. It is noted, however, that applicant has not filed a certified copy of the 03 000 201.8 application as required by 35 U.S.C. 119(b).

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

3. Claim 1 is objected to because of the following informalities:

A word, -- within --, appears to be appropriately inserted between "located" and "the appliance" in line 7.

The word, "off" in line 11 appears to be -- of --. Appropriate correction is required.

4. Claim 6 is objected to because of the following informalities:

The word, "fast" in line 5 appears to be -- first --. Appropriate correction is required.

Art Unit: 2876

5. Claim 11 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim 11 has not been further treated on the merits.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 7, 12, 19, 23, 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Haines et al. (US 6,233,409 B1).

Re claims 1 and 12, Haines et al. disclose a system for printing (printing system 40), within a user network, a label (label 34) to be used for the return of a component, comprising:

an appliance (printer 30) connected to the user network (Fig. 3), the appliance comprising at least one removable component (toner cartridge 36), said component being provided with a first memory means (memory tag 36) containing information for the identification of the removable component (col. 3, ll. 34-44),

a first means (interrogator 55) to detect a condition regarding the end of lifetime of at least one of the removable components located the appliance,

a second means (host computer 68) connected to the user network and adapted to communicate, through a second network (network 72), with at least one remote server (vendor system 70), said second means being adapted to send the remote server a request to receive data representing a label to be used for the return of a component (from the component identifier

Art Unit: 2876

lookup table 74c), when the condition regarding the end of lifetime of a component located within the appliance has being detected by the first means, said request comprising the information, for the identification of the component, and

a third means (component identifier 74b) connected to the user network and adapted to communicate, through the second network (72), with the remote server, said third means being adapted to receive data from the remote server, said data representing the label to be used for the return of the component, and said label including the information for the identification of the component.

Re claim 7, Haines et al. disclose the component as recited in rejected claim 1 stated above, wherein the appliance (printer 30) comprises a second memory means (printer memory 58) containing information for the identification of at least one removable component (toner cartridge 36) and status information about the lifetime of said component and wherein the second means comprises a memory access means (printer processor 62) to access said second memory means.

Method claims 19 and 23 essentially the same in scope as apparatus claims 1 and 12 and are rejected similarly.

Re claim 29, Haines et al. disclose a component (toner cartridge 36) adapted to be incorporated in and removed from an appliance (printer 30; col. 3, ll. 55-58)) that can be connected to a user network (col. 4, ll. 43-49), the component comprising a memory means (memory tag 36; RFID tag) containing information for the identification the component (col. 3, ll. 34-55).

Art Unit: 2876

Re claim 30, Haines et al. disclose the component as recited in rejected claim 29 stated above, wherein the information for the identification of the component is unique (col. 3, ll. 34-39) to every component.

Re claim 31, Haines et al. disclose the component as recited in rejected claim 29 stated above, wherein the component comprises a means to allow (RFID tag is read by an interrogator 55) information stored in the memory means to be accessible to the appliance (col. 4, ll. 17-23) in which the component is located.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haines et al. (US 6,233,409B1) in view of Clothier (US 2004004073 A1).

Re claims 8 and 21, the teachings of Haines et al. have been fully discussed above with the exception of disclosing a barcode label used to identify a component incorporated within an appliance.

Clothier discloses that RFID is similar to barcode technology except using radio frequency instead of optical signals. Attaching a barcode label is much inexpensive than an RFID tag when identifying an article or an object. Because of its relatively cheap cost to generate a barcode label compared to other methods such as an RFID tag, it provides economical benefits to users.

Art Unit: 2876

In view of Clothier's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ a barcode label in addition to the teachings of Haines due to the fact that a user may gain substantial financial gain by using a barcode label instead of an RFID tag without compromising the desired results from using the barcode label.

Allowable Subject Matter

10. Claims 13-18, 24-28, and 36-39 are allowable.
11. Claims 2-6, 9-11, 20, 22, 32-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
12. The following is a statement of reasons for the indication of allowable subject matter: none of the cited prior art of the record teaches, discloses, or fairly suggests the claimed limitations incorporated in above claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Takemoto et al. (US 6,512,894 B2) disclose an image forming device including a detachable process cartridge provided with identification information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Monday - Friday 5:30a-2:00p (Maxi-Flex*).

Art Unit: 2876

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven S. Paik
Primary Examiner
Art Unit 2876

ssp